

Appln No. 09/973,303

Amdt date August 4, 2005

Reply to Office action of May 9, 2005

REMARKS/ARGUMENTS

Claims 1, 3-9, and 24-40 are currently pending in this application. No claims have been amended.

The Examiner rejects claims 1, 3-9, and 34-40 under 35 U.S.C. 103(a) as being unpatentable over Swartz in view of Rivalto (U.S. Patent No. 5,482,139). Claims 1, 3-9, and 34-40 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Howard et al. (U. S. Patent No. 6,513,017). Applicant respectfully traverses this rejection.

Claim 1 recites "an electronic receipt electronically storing the read shelf-life limitation information for the selected product item, the electronic receipt being provided to a purchaser of the product item." None of the cited references teach or suggest this limitation.

In Applicant's Amendment dated July 23, 2004, Applicant argued that the customer checkout file disclosed in Swartz did not constitute the recited "electronic receipt," because nothing in Swartz indicated that the customer checkout file was later forwarded to a purchasing customer by the store cashier. In the final Office action dated November 3, 2004, the Examiner responded by noting that "the customer takes the portable unit home with them." (11/3/04 final Office action, p. 8, section 12). The portable unit disclosed in Swartz, however, does not store the customer checkout file. The checkout file is created and stored in the store computer and simply provided to a store cashier in response to a request for the file to the store computer. (See, Col. 10, lines 53-55). The checkout file is not provided to the portable unit.

Appln No. 09/973,303

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The portable unit may, however, store a "transaction file" during the store scanning process, which "includes all the price and product information about the scanned items." (Col. 8, line 67 - Col. 9, line 2; Col. 10, lines 60-62). Swartz teaches that the transaction file may be stored in the store computer or the portable unit. (Col. 12, lines 58-61). The transaction file, however, is deleted during a log-out process after the final bill is paid by the customer. (Col. Col. 11, lines 41-45). If any purchase information is maintained after the user has logged out, it is maintained in the store computer in the customer's historical profile record. (Col. 10, lines 64-67; Col. 11, lines 22-28). Thus, there is nothing in Swartz that would teach or suggest that the portable unit carry back any information about the purchased items after the purchase transaction is complete. As such, the portable unit does not constitute the recited "electronic receipt electronically storing the read shelf-life limitation information for the selected product item."

In the final Office action dated November 3, 2004, the Examiner notes a single sentence in the summary of the invention that states that "a terminal resident software program may create a 'predicted shopping list' based upon the customer's historical shopping profile and scanned item lists." (Col. 3, lines 32-35). As discussed above, any historical shopping profile is stored in the store computer. (See, Col. 10, lines 64-67).

With respect to the "scanned item lists," Swartz discloses a "personal scan mode" where a user may scan bar codes of items

Appln No. 09/973,303

Amdt date August 4, 2005

Reply to Office action of May 9, 2005

for storing in the terminal's memory. (Col. 8, lines 22-26). These items, however, are not scanned during a store scan mode for a purchase transaction. Furthermore, there is no indication that neither the "historical shopping profile" nor the "scanned item lists" contain any "shelf-life limitation information."

In the November 13, 2004, final Office action, the Examiner stated that he relies on Sone (U.S. Patent No. 6,204,763) for the storing of shelf life information. (See, section 13). Sone, however, is now disqualified as prior art.

With respect to Howard, the Examiner acknowledges that Howard does not disclose a receipt. However, "[i]t is the Examiner's position that customer receipts or customer logs are inherent [in] virtually all consumer transactions." (5/9/05 Office action, pp. 3-4, section 7). Applicant respectfully disagrees.

First, the type of customer receipts that are "inherent [in] virtually all consumer transactions" are paper receipts and not electronic receipts, much less, the claimed "electronic receipt electronically storing the read shelf-life limitation information for the selected product item, the electronic receipt being provided to a purchaser of the product item."

With respect to customer logs, Applicant disagrees that these are "inherent [in] virtually all consumer transactions." Even if customer logs were inherent in consumer transactions, customer logs do not teach or suggest the claimed "electronic receipt" that is "provided to a purchaser of the product item."

The Examiner states that "[i]n fact, using the grocery clearing house in Howard would require the use of receipts to

Appln No. 09/973,303

Amdt date August 4, 2005

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track sales." (5/9/05 Office action, pp. 3-4, section 7). However, the fact that receipts may be issued in Howard does nothing to teach or suggest that such receipts are the claimed "electronic receipt electronically storing the read shelf-life limitation information for the selected product item, the electronic receipt being provided to a purchaser of the product item."

With respect to the remaining limitations of claim 1, these require "a means for determining shelf-life limitation information for each of one or more product items; means for recording said shelf-life limitation information for each of said one or more product items; means for reading said recorded shelf-life limitation information for a product item selected for purchase; . . . means for retrieving the shelf-life limitation information from the electronic receipt; and a processor coupled to the means for retrieving, the processor adding the retrieved shelf-life limitation information to an inventory list of products purchased by the purchaser, the processor further detecting an expired product based on the shelf-life limitation information, and removing the expired product from the inventory list." In rejecting claim 1, the Examiner did not apply the teachings of Howard to these remaining limitations. Accordingly, Applicant respectfully requests that the Examiner apply the teachings of Howard to these limitations to give Applicant a fair opportunity to respond.

Furthermore, the Examiner makes a factual determination that "receipts, transaction logs, or purchase history logs are

Appln No. 09/973,303

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Reply to Office action of May 9, 2005

old and well known in the art." (November 13, 2004, final Office action, p. 5, section 8). In doing so, the Examiner cites Matsumori (U.S. Patent No. 6,246,998) and Tracey et al. (U.S. Patent No. 5,979,757) as evidence. Neither Matsumori nor Tracy, however, disclose "an electronic receipt electronically storing the read shelf-life limitation information for the selected product item, the electronic receipt being provided to a purchaser of the product item." Furthermore, the invention disclosed in Matsumori and the invention disclosed in the current application are both assigned to Fujitsu Limited. Accordingly, Matsumori is not evidence of what is old and well known in the art by other people.

The Examiner cites to the Green publication as "additional evidence of what is basic knowledge or common sense to one of ordinary skill in the art." (May 9, 2005 Office Action, p. 5, section 15). The Green publication, however, only provides information on production and inventory control, and only in the context of an industrial setting. Green does nothing teach a person of skill in the art of how inventory control would occur in an automated manner within a residential setting. Accordingly, claim 1 is now in condition for allowance.

Independent claim 34 contains limitations that are similar to the limitations of claim 1, which make claim 1 allowable. Accordingly, claim 34 is also in condition for allowance.

Claims 3-9, and 24-33, and 35-40 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations contained therein.

Appln No. 09/973,303

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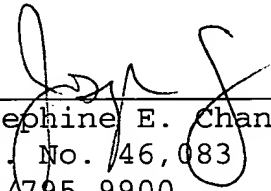
Reply to Office action of May 9, 2005

In view of the above amendments and remarks, reconsideration, reexamination, and an early indication of allowance of claims 1, 3-9, and 24-40 are respectfully requested.

Respectfully submitted,

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